

RUMSON PLANNING BOARD
SEPTEMBER 14, 2020
MINUTES

The regularly scheduled meeting was called to order at 7:30 pm with a salute to the flag, followed by a roll call of: Chairman Lospinuso, Mr. Clark, Councilman Rubin, Councilman Casazza, Mrs. White, Mrs. Ford, Mrs. Baret, Mr. Barham, Mr. Ciambrone, Mr. Shanley
Absent: None

Also present: Michael B. Steib, Esq., Thomas Rogers, Administrator, Fred Andre', Zoning Officer, Tom Neff representing T&M Associates.

The notice requirements of the Open Public Meetings Act were stated as being met.

Fred Andre' and Thomas Neff were sworn in.

Chairman Lospinuso asked for comments on the July 13, 2020 Minutes. Mr. Clark made a Motion to approve the Minutes as submitted; Seconded by Mr. Barham.

Roll call vote:

Ayes: Chairman Lospinuso, Mr. Clark, Councilman Rubin, Mrs. White, Mrs. Ford, Mrs. Baret, Mr. Barham, Mr. Ciambrone

Nays: None

Abstain: Councilman Casazza

Mr. Steib submitted a Resolution approving Forrestdale / Deane -Porter Elementary Schools' capital review for the acquisition of property.

After Board review and discussion, Councilman Rubin made a Motion to approve the Resolution; Seconded by Mrs. Baret

Roll call vote:

Ayes: Chairman Lospinuso, Mr. Clark, Councilman Rubin, Mrs. White, Mrs. Ford, Mrs. Baret, Mr. Barham, Mr. Ciambrone

Nays: None

Abstain: Councilman Casazza

Mr. Steib announced that the application of Alan Trent, Michael and Korinne Timpone for property located at 5 Osprey Lane and 87 Rumson Road be presented for the Board's consideration.

Mr. Neff stated that the application is deemed complete. Mrs. White made a Motion to deem the application complete; Seconded by Councilman Casazza.

Roll call vote:

Ayes: Chairman Lospinuso, Mr. Clark, Councilman Rubin, Councilman Casazza, Mrs. White, Mrs. Ford, Mrs. Baret, Mr. Barham, Mr. Ciambrone

Nays: None

Mr. Steib advised that the Board is in receipt of the following exhibits: A-1 Minor Subdivision Application dated 3/18/2020; A-2 Minor Subdivision and Boundary Line Adjustment Plan revised through 5/8/2020; A-3 T&M Associates' Completeness and Engineering Review dated 4/20/2020; A-4 Second T&M Associates Engineering Review dated 6/15/2020.

Brooks Von Arx, Esquire representing the applicants addressed the Board. Mr. Von Arx explained that the application proposes a lot line adjustment to create two new lots out of the existing three lots. Lot 14 will be eliminated creating a new common property line between Lots 13 and 15, which increases the size of the two new lots. The existing dwellings and all accessory structures are to remain and there is no new construction being proposed at this time.

Michael Timpone, the applicant, was sworn in. Mr. Timpone stated that the purpose of his purchasing the additional property is to bring his property more into conformance. Mr. Von Arx stated that there are no plans to subdivide either of these properties at the present time.

Mr. Neff suggested that the applicant supplies 3 street trees along Osprey Lane and submits a landscaping plan for review and approval.

Chairman Lospinuso opened the application for public questions and/or comments. There being none the public portion was closed.

Chairman Lospinuso asked the pleasure of the Board. Councilman Casazza made a motion to approve the subdivision as submitted; Seconded by Mrs. White.

Roll call vote:

Ayes: Chairman Lospinuso, Mr. Clark, Councilman Rubin, Councilman Casazza, Mrs. White, Mrs. Ford, Mrs. Baret, Mr. Barham, Mr. Ciambrone

Nays: None

In anticipation of the Board acting favorably on the proposal, Mr. Steib prepared a Resolution adding the modification of three streets on Osprey Lane. After review and discussion, Mr. Clark made a motion to approve the Resolution with the modification of street trees; Seconded by Mrs. Ford.

Roll call vote:

Ayes: Chairman Lospinuso, Mr. Clark, Councilman Rubin, Councilman Casazza, Mrs. White, Mrs. Ford, Mrs. Baret, Mr. Barham, Mr. Ciambrone

Nays: None

Mr. Steib announced that the continued minor subdivision application from January 6th and July 13th meetings of Michael McCarty for property located at 3 Blackpoint Horseshoe be presented for the Board's consideration.

Mr. Steib advised that the Board is in receipt of the following exhibits: A-8 T&M Associates Engineering Review dated 6/18/2020; A-9 Minor Subdivision Plan dated 6/1/2020; A-10 Colorized Minor Subdivision Plan dated 6/1/2020; A-11 Planning Brief prepared by David Cranmer dated

9/2/2020; A-12 Memorandum dated 8/19/2020; O-2 Slide exhibit prepared by Peter Steck

Rick Brodsky, Esquire from the Ansell, Grimm and Aaron law firm, representing the applicant placed his appearance on the record. Mr. Brodsky stated that the revised application still proposes to raze the existing structures on the property and construct two new single-family dwellings on each new lot. The only issue before the Board is the variance for the Lot Shape Circle proposed Lot 1.02.

Daniel J. O'Hern, Esquire from the Byrnes, O'Hern and Heugle law firm representing objectors McCane, Thomas, Lawrence and Muss placed his appearance on the record.

Mr. Brodsky re-introduced David Cranmer. Mr. Cranmer was previously sworn in and remains under Oath. Mr. Cranmer stated that proposed Lot 1.02 was designed in keeping with Section 22-7.32. The grant of the variance would be specifically related to this property, which has the unique characteristic of the presence of Fresh Water Wetlands running along the Navesink River. The grant of the variance would establish appropriate population densities throughout the community.

The subdivision would supply two lots more consistent with the Master Plan and the neighborhood. This application provides an appropriate density and location to meet the needs of the citizens and provides a desirable visual environment. The granting of this variance is not a substantial detriment to the public good and the benefits outweigh any detriment. The intent of the zone plan and zoning ordinance will not be impaired by the grant of this variance.

By situating a lot shape circle setback 115 feet from the mean high-water line as opposed to the 75 feet enhances the views along the river, minimizing any threat to degradation of the environment, enhances the green belt along the Navesink River.

Chairman Lospinuso opened Mr. Cranmer testimony for public questions. Tracy Leonard-Turi residing at 6 Navesink Avenue was sworn in. Ms. Leonard-Turi voiced her objection to the application and requested more time to review the proposal. Doug Ross residing at 25 Blackpoint Horseshoe was sworn in. Mr. Ross stated he was confused by the application and has had some unpleasant experiences with a subdivision. Mr. Cranmer stated that the applicant is in receipt of a Letter of Interpretation from the EPA. As part of the application the applicant is willing to impose a Deed restriction for the front setback from the river to be further back than what is required.

Mr. O'Hern asked questions of Mr. Cranmer regarding his testimony. Mr. Brodsky asked follow-up questions of Mr. Cranmer.

Mr. Brodsky called Michael McCarty, the applicant. Mr. McCarty was sworn in. Mr. McCarty stated his application is to simply to subdivide the property and no one likes changes. Mr. McCarty tried to engage his neighbors to no avail. He and his family plan on living on one of the new lots and selling the other one. The property will be appropriately

landscaped and a plan will be submitted for the Board and Board professionals' review and approval.

Mr. O'Hern asked questions of Mr. McCarty. Mr. Brodsky asked Mr. McCarty follow-up questions.

Mr. O'Hern called Peter Steck. Mr. Steck was sworn in. Mr. Steck stated that the high-water line is defined in the ordinance and makes no distinction whether it applies to an inland lot or waterfront lot. Mr. Steck feels that this lot cannot comply with the ordinance. There is no hardship associated with the application. Once the property is subdivided there will be two salable lots. There is nothing wrong with one large house on a large lot.

A brief recess is taken from 9:54 to 9:58 pm.

Mr. Steck stated that the subdivided property has a lot of environmental restrictions. The homes on these two lots will be maximized in every respect. Subdividing the property will intensify the development in the neighborhood. Proposed Lot 1.02 will have the narrowest frontage on the street.

Mr. Steck reviewed the slide exhibit he prepared and described the existing lot, the homes and properties in the immediate area. Mr. Steck feels that the applicant has not met the burden of proof. If approved as proposed it will a substantial detriment to the public good and substantial impairment to the zone plan and zoning ordinance.

Mr. Brodsky questioned Mr. Steck regarding his testimony.

Chairman Lospinuso opened the testimony for public questions. There being none, the public question portion was closed.

Mr. O'Hern called Fritz Thomas. Mr. Thomas residing at 5 Blackpoint Horseshoe was sworn in. Mr. Thomas testified that he did meet with the applicant and had conversations with the applicant. Mr. Thomas feels the application is an unnatural development. It will be obvious that the property was developed to meeting zoning guidelines rather than developed in a natural way. The changes the gateway to the neighborhood and is truly unlike any other surrounding property. Mr. Thomas feels his property will be negatively impacted by drainage.

Mr. Brodsky questioned Mr. Cranmer regarding the jerrymandering that was mentioned by Mr. Steck the, clearing of the property and whether a drainage plan would have to be submitted for review and approval. Mr. Cranmer stated that there are about seven properties that are not perfect square- or rectangular-shaped lots in the immediate area. A lion's share of the property was cleared between 1970 and 1995. A drainage plan would have to be submitted prior to construction commencing.

Chairman Lospinuso opened the application for public comments. Andrew Safran residing at 35 Blackpoint Horseshoe was sworn in. Mr. Safran echoed Mr. Thomas' comments and is concerned with the impact the application will have on the fabric of the neighborhood.

Shawn Reynolds residing at 15 Blackpoint Horseshoe was sworn in. Mr. Reynolds stated that the application would be a negative not just to the neighborhood but to the entire community. Mr. Reynolds sees no public benefits should the application be approved.

Roger McLaughlin residing at 42 Blackpoint Horseshoe was sworn in. Mr. McLaughlin was not opposed to the application. Mr. McLaughlin feels that the town will have more power over that property than currently and can dictate what happens on the property.

There being no further public comments, the public comment portion was closed.

Mr. Brodsky summed up his application.

After Board discussion, Chairman Lospinuso asked the pleasure of the Board. Councilman Rubin made a motion to approve the application as presented; Seconded by Mr. Clark.

Roll call vote:

Ayes: Mr. Clark, Councilman Rubin, Mr. Shanley, Mr. Ciambrone

Nays: Chairman Lospinuso, Councilman Casazza, Mrs. Ford, Mrs. Baret,
Mr. Barham

Abstain: Mrs. White

Mr. Steib advised the Board that no Executive Session was necessary.

There being no further business before the Board, the meeting was adjourned at approximately 11:15 p.m.

The next scheduled meeting is October 5, 2020 at 7:30 p.m.

Please note the November 2nd meeting of the Planning Board has been changed to November 9, 2020 at 7:30 pm.

Respectfully submitted,
Michele MacPherson